

## REMARKS

Claims 9 – 12 are pending in the present application and are presented for reconsideration and further examination in view of the foregoing amendments and the following remarks. Claims 1 – 8 have been canceled.

In the outstanding Office Action, the Examiner objected to the specification asserting that the title is non-descriptive; and rejected claims 1 – 8 under 35 U.S.C. §102(b) as being anticipated by U.S. patent no. 5,781,236 to Shinbori et al. (hereinafter referred to as “the Shinbori et al. ‘236 patent”).

By this Response and Amendment,  
the title has been amended;  
claims 1 – 8 have canceled; and  
claims 9 – 12 have been newly added.

Support for new claim 9 can be found in the original specification at page 11, line 25 through page 14, line 1; support for new claim 10 can be found in the original specification at page 14, line 3 through page 15, line 29; support for new claim 11 can be found in the original specification on page 16, line 1 through page 20, line 21; and support for new claim 12 can be found in the original specification on page 20, line 23 through page 26, line 17. Therefore, it is respectfully submitted that the above amendments do not introduce any new matter within the meaning of 35 U.S.C. §132.

**Objection to the Specification**

The Examiner objected to the specification asserting that the title is non-descriptive.

**Response**

By this Response and Amendment, the title has been amended to recite an “Image Pickup Device Capable of Preventing Moirés During Image Capture,” which is in accordance with the Examiner’s suggestion for amendment.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the objection to the specification.

**Rejections Under 35 U.S.C. § 102(b)**

The Examiner rejected claims 1 – 8 under 35 U.S.C. §102(b) as being anticipated by the Shinbori et al. ‘236 patent.

**Response**

By this Response and Amendment, claims 1 – 8 have been canceled thereby rendering the rejections thereto moot. Therefore, withdrawal of the rejections is respectfully requested.

**NEWLY SUBMITTED CLAIMS**

Newly submitted claim 9 recites: “[a]n image pickup device comprising: a lens for shooting an object; an image sensor for converting an optical image of the object shot by the lens to electric signals; *only one optical low pass* filter that is disposed between the lens and the image sensor *and being rotatably placed* in a vertical plane that is vertical to an optical axis;

and a rotary mechanism *for rotating the optical low pass filter* in the vertical plane that is vertical to the optical axis.”

Newly submitted claim 10 recites “[a]n image pickup device comprising: a lens for shooting an object; an image sensor for converting an optical image of the object shot by the lens to electric signals; an optical low pass filter that is disposed between the lens and the image sensor and being rotatably placed in a vertical plane that is vertical to an optical axis, *the optical low pass filter consists of only two optical low pass filters* comprising a first optical low pass filter and a second optical low pass filter formed in one body; a rotary mechanism for rotating the optical low pass filter in the vertical plane that is vertical to the optical axis.”

Newly submitted claim 11 “[a]n image pickup device comprising: a lens for shooting an object; an image sensor for converting an optical image of the object shot by the lens to electric signals; *only one first optical low pass filter* that is disposed between the lens and the image sensor and being fixed in position; only one second optical low pass filter that is disposed between the lens and the image sensor and being rotatably placed in a vertical plane that is vertical to an optical axis; a rotary mechanism for rotating the second optical low pass filter in the vertical plane that is vertical to the optical axis.”

And, newly submitted claim 12 recites “[a]n image pickup device comprising: a lens for shooting an object; an image sensor for converting an optical image of the object shot by the lens to electric signals; only two first and second optical low pass filters that are disposed between the lens and the image sensor and being fixed in position; only one third optical low pass filter that is disposed between the lens and the image sensor, also being disposed between the first and second optical low pass filters and being rotatably placed in a vertical

plane that is vertical to an optical axis; a rotary mechanism for rotating the third optical low pass filter in the vertical plane that is vertical to the optical axis.”

As recited in each of the newly submitted claims, the image pick-up device’s optical low pass filter (“filter”) is comprised of [component] optical low pass filters. Furthermore, each of the newly submitted claims recites the specific number of component optical low pass filters that make up the device’s filter. Lastly, each of the claims recites which filter component is rotated by a rotatory mechanism. The Shinbori et al. ‘236 patent does not teach the *specific* number of components that make up the filter as now recited in the claims. Nor does the Shinbori et al. ‘236 patent teach which filter is rotated by a rotary mechanism.

For example, the Shinbori et al. ‘236 patent does not disclose “*only one* optical low pass filter... being rotatably placed in a vertical plane” as recited in claim 9. The Shinbori et al. 236 patent discloses, at best, an optical low pass filter having a *plurality* of parts. The part that is rotated as recited in claim 9 is not specified by the Shinbori et al. ‘236 patent.

Regarding claim 10, the Shinbori et al. ‘236 patent does not disclose that “the optical low pass filter consists of *only two optical low pass filters*...formed in one body; [and] a rotary mechanism for rotating the optical low pass filter.” The Shinbori et al. ‘236 patent does not disclose that the optical low pass filter consists of *only two* optical low pass filters. Rather, the Shinbori et al. ‘236 patent discloses “an optical low pass filter composed of a plurality of *parts*.” *The Shinbori et al. ‘236 patent, claim 1, emphasis added.*

The Shinbori et al. ‘236 patent does not disclose “*only one first* optical low pass filter...; *only one second optical low pass filter*... being rotatably placed in a vertical plane....” Nor does the Shinbori et al. ‘236 patent disclose “a rotary mechanism *for rotating the second*

*optical low pass filter*” as recited in claim 11. Rather, the Shinbori et al. ‘236 patent discloses “an optical low pass filter composed of a plurality of *parts*.” *The Shinbori et al. ‘236 patent*, claim 1, *emphasis added*. Moreover, the Shinbori et al. ‘236 patent is silent as to which “part” is rotated.

And with respect to claim 12, the Shinbori et al. ‘236 patent does not disclose “*only two first and second* optical low pass filters; *only one third* optical low pass filter... being rotatably placed in a vertical plane....” Nor does the Shinbori et al. ‘236 patent disclose “a rotary mechanism *for rotating the third optical low pass filter*,” which is also recited in claim 12. Rather, the Shinbori et al. ‘236 patent discloses “an optical low pass filter composed of a plurality of *parts*.” *The Shinbori et al. ‘236 patent*, claim 1, *emphasis added*. Moreover, the Shinbori et al. ‘236 patent is silent as to which “part” is rotated.

The Shinbori et al. ‘236 patent does not disclose the specific composition and rotatability of an optical low pass filter as recited in newly submitted claims 9 – 12. Therefore, Applicants submit that newly submitted claims 9 – 12 are patentable over the cited prior art. And, as such, Applicants request allowance of new claims 9 – 12.

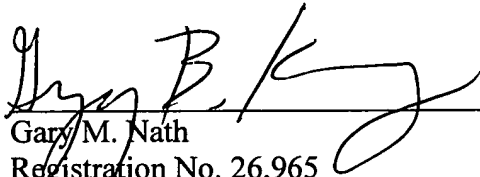
**CONCLUSION**

In light of the foregoing, Applicants submit that the application is in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application. In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayment to Deposit Account No. 14-0112

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Respectfully submitted,  
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